

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 00-215
)
DEANNA NICOLE TREECE)

MEMORANDUM AND ORDER OF COURT

DIAMOND, D.J.

Presently before the court is attorney Alonzo Burney's CJA 20 voucher requesting payment in the amount of \$8,575 in connection with his representation of Deanna Nicole Treece in the above-referenced case.

The Judicial Conference of the United States has adopted a particular time limit with respect to appointed counsel filing vouchers for payment pursuant to the Criminal Justice Act. According to the Guide to Judicial Policies and Procedures, Appointment of Counsel in Criminal Cases, Chapter II, Part C, §2.21, "[v]ouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown. ... Every effort should be made to have counsel submit the claim as soon as possible upon completion of services rendered."

In this case, attorney Burney completed his services to Deanna Treece when she was sentenced on November 21, 2001. His voucher was filed on June 20, 2005, which was 3 years and 7 months after he completed his representation of Treece. Clearly,

attorney Burney's delay is contrary to the rule cited above. In addition, attorney Burney failed to provide any justification to invoke the "good cause" exception to the 45-day rule.

In addition to being untimely, attorney Burney's request for payment appears to be disproportionate to the services he rendered in this case. His request of \$8,575 is approximately two to three times greater than that which was requested and approved for payment to the other appointed counsel who provided similar representation in this multiple defendant case. The only exception involved one attorney who, unlike attorney Burney, filed numerous discovery and other pretrial motions that were the subject of several hearings.


For all of the foregoing reasons, attorney Burney's request for payment as set forth on the CJA 20 form dated June 20, 2005, will be denied with leave for him to show good cause why his payment request was not timely filed, as well as to provide justification for the requested fee.

An appropriate order will follow.

O R D E R

AND NOW, this 11th day of July, 2005, for the reasons set forth in the memorandum above, IT IS ORDERED that attorney Alonzo Burney's request for payment as set forth on the CJA 20 form dated June 20, 2005, be, and the same hereby is, denied. Attorney

Burney is granted leave to show good cause why his payment request was not timely filed, as well as to provide justification for the requested fee.


Gustave Diamond
United States District Judge

cc: Alonzo Burney, Esq.
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Finance Department
United States District Court
Western District of Pennsylvania